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SUBJECT: KUWAIT HUMAN RIGHTS EVALUATION PLAN

1. FOLLOWING IS DRAFT HUMAN RIGHTS EVALUATION PLAN FOR KUWAIT. WOULD APPRECIATE EMBASSY COMMENTS, PARTICULARLY ON IDENTIFICATION OF OBJECTIVES.

2. BEGIN TEXT: KUWAIT HUMAN RIGHTS EVALUATION PLAN.

UNTIL AUGUST OF 1976, KUWAIT WAS THE MOST POLITICALLY PROGRESSIVE STATE IN THE ARAB MIDDLE EAST. THIS REPUTATION WAS BUILT ON THE EXISTENCE OF A CONSTITUTION (PROMULGATED IN 1961), AN ELECTED NATIONAL ASSEMBLY (SUPPLEMENTED BY APPOINTED MEMBERS), AND A SPIRITED LOCAL PRESS.

IN 1976, HOWEVER, THE RULING FAMILY OF KUWAIT HAD GROWN INCREASINGLY APPREHENSIVE AS THE POLITICAL DIVISIONS WHICH AFFLICTED LEBANON THREATENED TO SURFACE ON DOMESTIC
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ISSUES IN THIS SMALL BUT VERY WEALTHY COUNTRY-STATE. THE NATIONAL ASSEMBLY AND THE LOCAL-PRESS BECAME A FOR QUARRELLING ARAB FACTIONS TO ATTACK ONE ANOTHER. SEVERAL MODERATE ARAB REGIMES WERE UNDER BITTER CRITICISM IN NATIONAL ASSEMBLY SPEECHES AND IN NEWSPAPER COLUMNS. THERE WAS EVIDENCE THAT MORE RADICAL ARAB GOVERNMENTS WERE

PAYING FOR MEDIA ATTACKS ON THE CONSERVATIVE GOVERNMENTS -- ALL TO THE GROWING EMBARRASSMENT OF THE KUWAITI LEADERSHIP.

KUWAIT'S RULERS WERE FURTHER TROUBLED OVER PROSPECTS FOR KEEPING ORDER IN THEIR COUNTRY OF ONE MILLION PEOPLE WHERE THE NATIVE KUWAITI POPULATION IS OUTNUMBERED BY NON-KUWAITIS. (APPROXIMATELY 40 PERCENT KUWAITI AND ABOUT 60 PERCENT NON-KUWAITI WITH A RESIDENT PALESTINIAN POPULATION OF ABOUT 300,000.)

IN LATE AUGUST, 1976, THE AMIR SUSPENDED PARTS OF THE CONSTITUTION, PROROGUED THE NATIONAL ASSEMBLY AND TIGHTENED CONTROL OVER THE PRESS. SOME NEWSPAPERS AND MAGAZINES WERE SUSPENDED FOR PERIODS OF ONE TO THREE MONTHS. THE INFORMATION MINISTRY BEGAN TO CENSOR LOCAL PUBLICATIONS, PARTICULARLY ITEMS ORIGINATING WITH FOREIGN GOVERNMENTS.

SEVERAL LABOR UNIONISTS WHO OBJECTED PUBLICLY TO THESE MOVES WERE JAILED BRIEFLY. THE GOVERNMENT DISMISSED THE LEADERS OF CERTAIN PROFESSIONAL SOCIETIES AND INSTALLED NEW LESS OUTSPOKEN LEADERS.

THE EMIR'S ACTIONS SEEM TO HAVE MET WITH APPROVAL FROM THE MAJORITY OF KUWAITI CITIZENS AND, IN FACT, HAVE PRODUCED CONFIDENTIAL

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LITTLE CHANGE IN THE COUNTRY'S GENERALLY POSITIVE ATTITUDE ON HUMAN RIGHTS PREVIOUSLY IN EXISTENCE.

KUWAIT CONTINUES TO BE GOVERNED BY ISLAMIC LAW AND TRADITIONS PLUS AN AMALGAM OF WESTERN JUDICIAL CONCEPTS ADAPTED AND APPLIED TO THE MODERN ASPECTS OF LIFE IN THIS RAPIDLY DEVELOPING STATE. AS IS TRADITIONAL IN CONSERVATIVE ARAB STATES, THE RULER'S DECISIONS ALMOST INVARIABLY RESULT FROM HIS SEEKING A BROAD CONSENSUS AMONG COMMUNITY LEADERS.

ANY EXAMINATION OF POLITICAL, SOCIAL OR ECONOMIC LIFE IN KUWAIT MUST TAKE INTO CONSIDERATION THE DIFFERENCES BETWEEN KUWAITI AND NON-KUWAITI RESIDENTS. KUWAITI CITIZENSHIP CARRIES WITH IT EXTENSIVE ECONOMIC AND SOCIAL BENEFITS. ALTHOUGH KUWAITIS ARE CRITICALLY DEPENDENT ON OTHERS TO PERFORM ESSENTIAL SERVICES, KUWAITI CITIZENSHIP ITSELF IS RARELY GIVEN TO PERSONS OF OTHER NATIONALITIES. MANY OF THE RESIDENT PALESTINIANS HAVE LIVED AND WORKED IN KUWAIT FOR 20 OR MORE YEARS, BUT DO NOT HAVE ANY IMMEDIATE PROSPECT OF ENJOYING THE EXTRA BENEFITS OF KUWAITI CITIZENSHIP SUCH AS HIGHER GOVERNMENT SALARIES, LAND

OWNERSHIP, THE RIGHT TO VOTE (WHEN ELECTIONS ARE HELD), AND THE RIGHT TO OWN MAJORITY INTEREST IN BUSINESS VENTURES. THE PALESTINIANS CONSTITUTE, MORE OR LESS, A PERMANENT POPULATION EVEN THOUGH THEY ARE NOT CITIZENS. THE REMAIN-

ING 300,000 PEOPLE--ARABS OF OTHER NATIONALITIES, LABORERS FROM SOUTH ASIA AND THE FAR EAST, TECHNOCRATS AND MANAGERS FROM EUROPE AND AMERICA CONSTITUTE A TRANSIENT POPULATION DRAWN LARGELY BY THE PROMISE OF INCOMES HIGHER THAN THOSE AVAILABLE IN THEIR NATIVE COUNTRIES AND ALWAYS INTENDING TO RETURN TO THOSE COUNTRIES WHEN THEIR WORK IS FINISHED.

A. CONDITION OF HUMAN RIGHTS IN KUWAIT.

(1) RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING
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FREEDOM FROM:

(A) TORTURE: TORTURE IS NOT OFFICIALLY SANCTIONED OR PRACTICED IN KUWAIT.

(B) CRUEL, INHUMAN OR DEGRADING PUNISHMENT: NONE OF THESE ARE OFFICIALLY SANCTIONED OR PRACTICED IN KUWAIT.

(C) ARBITRARY ARREST OR IMPRISONMENT:

THESE ARE NEITHER CONDONED NOR PRACTICED BY THE KUWAITI GOVERNMENT. ONE GENERAL INSTANCE OF ARREST OR DETENTION WITHOUT SPECIFIC CHARGE RELATES TO KUWAIT'S RELATIONSHIPS WITH MORE RADICAL ARAB STATES. WITH A SMALL POPULATION AND PROPORTIONATELY SMALL POLICE FORCE, KUWAIT HAS ALWAYS FELT ITSELF VULNERABLE TO OUTSIDE THREATS. AT THOSE TIMES WHEN TENSION ARISES BETWEEN KUWAIT AND LARGER NEIGHBORING STATES, KUWAIT IS LIKELY TO INSTITUTE NIGHTTIME ROADBLOCKS. . PERSONS WITHOUT PROPER IDENTIFICATION CAN BE HELD BY THE POLICE. KUWAITI AUTHORITIES ALSO USE ROADBLOCKS TO SEARCH FOR AND DETAIN ILLEGAL IMMIGRANTS FROM IRAN, INDIA AND PAKISTAN WHO ENTER KUWAIT TO SEEK WORK.

(D) DENIAL OF FAIR PUBLIC TRIAL--KUWAIT HAS A WELL-DEVELOPED LEGAL SYSTEM WHICH PROVIDES THE RIGHT OF APPEAL AND REPRESENTATION. ON RARE OCCASIONS, PERSONS WITH EXTREMELY RADICAL POLITICAL VIEWS HAVE BEEN DEPORTED.

(E) INVASION OF THE HOME--THIS IS NEITHER OFFICIALLY PRACTICED NOR CONDONED BY KUWAIT AUTHORITIES.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

(A) FREEDOM OF THOUGHT, RELIGION, ASSEMBLY.
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KUWAITIS ARE GENERALLY FREE TO SPEAK AS THEY WISH AND THE

GOVERNMENT USUALLY PERMITS A GREAT DEAL OF FREEDOM IN THE NON-KUWAITI COMMUNITY AS WELL. THE NEWSPAPERS, EVEN AFTER

THE PRESS RESTRICTIONS OF AUGUST, 1976, CONTINUE TO CRITICIZE GOVERNMENT OFFICIALS AND POLICIES. KUWAIT RECOGNIZES FREEDOM OF ASSEMBLY BUT REQUIRES PERMISSION FROM LOCAL AUTHORITIES BEFORE ALLOWING RALLIES OR DEMONSTRATIONS.

ALTHOUGH ISLAM IS THE PREDOMINANT RELIGION, THERE IS FREEDOM OF WORSHIP IN KUWAIT AND SEVERAL NON-ISLAMIC PLACES OF WORSHIP ARE IN EXISTENCE.

(B) FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION POLICIES. KUWAITIS AND OTHER RESIDENTS ARE FREE TO TRAVEL ABOUT THE COUNTRY AND TO TRAVEL OUTSIDE AS WELL. NON-KUWAITIS WORKING IN THE COUNTRY MUST HAVE THE SPONSORSHIP OF KUWAITI CITIZENS.

(C) DEMOCRATIC PROCESSES. AS HAS BEEN NOTED, IN 1976 CIRCUMSTANCES LED TO SUSPENSION OF SOME DEMOCRATIC PROCESSES IN KUWAIT. PRIOR TO THAT TIME, KUWAIT HAD AN ELECTED NATIONAL ASSEMBLY, WITH ALL KUWAITI MALES ENJOYING THE RIGHT TO VOTE.

(3) RECENT TRENDS IN FULFILLING BASIC NEEDS

(A) NEEDS OF THE POOR--KUWAIT HAS ONE OF THE WORLD'S MOST LAVISH WELFARE SYSTEMS FOR ITS CITIZENS. ALL KUWAITIS ARE GUARANTEED FREE MEDICAL CARE, FREE EDUCATION (THROUGH UNIVERSITY IF QUALIFIED) AND JOB TRAINING AND EMPLOYMENT. KUWAIT HAS BUDGETED MORE THAN FOUR BILLION DOLLARS FOR ITS PUBLIC HOUSING PROGRAM ALONE. HOWEVER, THE BEST AND WIDEST BENEFITS REMAIN THE PRESERVE OF KUWAITI CITIZENS. REALIZING A NEED TO ATTEND TO THE NON-KUWAITIS WHO LIVE CONFIDENTIAL

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AND WORK IN THE COUNTRY, THE GOVERNMENT HAS INSTITUTED FOOD SUBSIDIES AND A MODEST PUBLIC HOUSING PROGRAM FOR PERSONS OF OTHER NATIONALITIES. MEDICAL CARE AT NOMINAL COST IS AVAILABLE TO ALL AT GOVERNMENT FACILITIES.

(B) KUWAIT'S EIGHT BILLION DOLLARS PER YEAR ANNUAL INCOME IS WIDELY DISTRIBUTED AMONG ITS CITIZENS, LARGELY THROUGH COMMERCIAL LAWS WHICH HOLD THAT A KUWAITI INDIVIDUAL OR CORPORATE ENTITY MUST BE INVOLVED IN VIRTUALLY EVERY TYPE OF BUSINESS TRANSACTION.

GOVERNMENT PURCHASES AND TENDERS ARE PUBLISHED IN A ONCE-A-WEEK BUSINESS DIGEST TO INSURE EQUAL OPPORTUNITY. A SOPHISTICATED SYSTEM OF PREQUALIFICATION, BIDDING AND REVIEW ON MAJOR PROJECTS TENDS TO DISCOURAGE CORRUPTION.

HOWEVER, THERE HAVE BEEN OCCASIONAL ALLEGATIONS OF FAVORITISM, IF NOT OUTRIGHT CORRUPTION, ON THE PART OF SOME GOVERNMENT OFFICIALS. KUWAITI LAW FORBIDS CONFLICT OF

INTEREST IN BUSINESS VENTURES.

(4) GOVERNMENT ATTITUDE TOWARD HUMAN RIGHTS

AS NOTED EARLIER, THE GOVERNMENT JUSTIFIES OCCASIONAL RESTRICTIONS OF FREEDOM--SUCH AS PRESS CENSORSHIP OR DETENTION OF TRAVELERS SUSPECTED OF BEING IN THE COUNTRY ILLEGALLY--ON THE GROUNDS THAT KUWAIT IS VULNE#ABLE TO THE UNFRIENDLY INTENTIONS OF LARGER STATES IN THE AREA.

PUBLICLY, THE GOVERNMENT SUPPORTS POSITIVE ACTION ON HUMAN RIGHTS MEASURES IN OTHER COUNTRIES AND IS PARTICULARLY CRITICAL OF WHAT IT PERCEIVES TO BE HUMAN RIGHTS VIOLATIONS BY THE GOVERNMENT OF ISRAEL AGAINST PALESTIN-
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IAN.

(5) THERE IS LITTLE INFORMATION AVAILABLE ON PAST INVESTIGATIONS, IF ANY, INTO HUMAN RIGHTS IN KUWAIT.

(B) ANALYSIS AND RECOMMENDATIONS

(1) U.S. OBJECTIVES AND COURSES OF ACTION

IN ITS 16 YEARS OF INDEPENDENCE, KUWAIT HAS PURSUED A PROGRAM OF AMBITIOUS NATIONAL DEVELOPMENT AND, IN RECENT YEARS, CONSIDERABLE FINANCIAL ASSISTANCE TO DEVELOPING COUNTRIES. KUWAIT'S POLITICAL SOPHISTICATION GREW WITH ITS FINANCIAL POWER AND IT HAS ARRIVED, SOMEWHAT RELUCTANTLY, ON THE SCENE OF MIDDLE EAST DIPLOMACY AND OTHER INTERNATIONAL ISSUES. KUWAIT HAS NEVER BEEN SINGLED OUT AS A VIOLATOR OF HUMAN RIGHTS.

IT IS DIFFICULT TO IDENTIFY MAJOR HUMAN RIGHTS ISSUES IN KUWAIT. THE STATUS OF WOMEN, A POTENTIAL ISSUE IN SOME ISLAMIC SOCIETIES, IS LESS A PROBLEM IN KUWAIT. WOMEN TRAVEL FREELY, RECEIVE EQUAL EDUCATION, AND PARTICIPATE ACTIVELY IN SOCIAL LIFE DEPENDING ON THEIR FAMILY BACKGROUND. WOMEN DO NOT HOLD SENIOR POSITIONS IN THE GOVERNMENT ALTHOUGH THERE ARE A NUMBER OF WOMEN PROFESSIONALS AND SEVERAL WOMEN WHO OWN AND MANAGE PRIVATE COMPANIES. WOMEN IN KUWAIT ARE PURSUING THEIR OWN GOALS OF EQUALITY WITH MEN AND IT IS LIKELY THAT THEY WILL CONTINUE TO MAKE GAINS WITHOUT ANY SORT OF OUTSIDE ASSISTANCE. INDEED, OUTSIDE PRESSURES ON THIS MATTER WOULD LIKELY BE DETRIMENTAL.

THE CONDITION OF FOREIGN WORKERS IN KUWAIT IS A MATTER TO WHICH THE U.S. COULD GIVE SOME ATTENTION WITH THE HOPE OF EFFECTING PROGRESS. KUWAIT RELIES ON FOREIGN WORKERS FROM INDIA, PAKISTAN, IRAN, THE FAR EAST AND FROM POORER

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ARAB COUNTRIES, FOR CONSTRUCTION, MUNICIPAL SERVICES AND OTHER DIFFICULT WORK. AMBITIOUS DEVELOPMENT PLANS TO BUILD ROADS, HOSPITALS, SCHOOLS, AND THE LIKE HAVE BROUGHT THOUSANDS OF LABORERS TO THE COUNTRY IN RECENT YEARS. MANY OF THESE LABORERS ARE BROUGHT TO KUWAIT BY LABOR CONTRACTORS WHO, OF COURSE, SELL THEIR SERVICES TO KUWAITI CONTRACTORS FOR A PROFIT. THE ADEQUACY OF HOUSING, HEALTH CARE, FOOD, ETC., FOR THESE WORKERS VARIES GREATLY DEPENDING ON THEIR EMPLOYER. THE U.S. COULD BEGIN HERE BY QUIETLY GATHERING INFORMATION ON THE NUMBER OF THESE WORKERS AND THE QUALITY OF SERVICES PROVIDED FOR THEM. IN SEVERAL CASES, AMERICAN FIRMS ARE MANAGING MAJOR CONSTRUCTION PROJECTS AND INFORMATION COULD BE MORE READILY OBTAINED FROM THEM RATHER THAN COMPANIES OF OTHER NATIONALITY.

THIS SUBJECT HAS ACTUALLY BEEN DISCUSSED BY OFFICERS OF THE AMERICAN EMBASSY WITH SEVERAL AMERICAN CONSTRUCTION FIRMS OPERATING IN KUWAIT AND, HAPPILY, IT SEEMS AS IF THESE COMPANIES ARE PROVIDING SUPERIOR CARE AND SERVICES FOR THE FOREIGN LABORERS WHOM THEY EMPLOY.

THERE IS NO EVIDENCE THAT THE KUWAITI GOVERNMENT ENCOURAGES OR CONDONES MISTREATMENT OF FOREIGN WORKERS. ON THE CONTRARY, MANY GOVERNMENT OFFICIALS SEEM SINCERELY CONCERNED THAT FOREIGN LABORERS MAY BE SUBJECT TO ABUSES FROM LABOR CONTRACTORS. EXAMPLES OF CONSTRUCTION PROJECTS IN WHICH THE MAJOR CONTRACTOR IS ABLE TO BOTH FILFILL THE TERMS OF THE CONTRACT AND PROVIDE GOOD CARE TO THE WORKERS SHOULD BE BROUGHT TO THE ATTENTION OF THE RESPONSIBLE KUWAITI AUTHORITIES.

THE U.S. GOVERNMENT HAS LITTLE LEVERAGE, OTHER THAN THE
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USE OF REASON AND QUIET DIPLOMACY WITH WHICH TO INFLUENCE THE GOVERNMENT OF KUWAIT ON ANY ISSUE. KUWAIT IS EXTREMELY WEALTHY, HAS GOOD POLITICAL AND ECONOMIC RELATIONSHIPS WITH MANY INDUSTRIALIZED AND DEVELOPING COUNTRIES AND DELIWERATELY PURSUES A POLICY OF DIVERSIFIED FOREIGN RELATIONS. THE MATERIALS AND SERVICES, INCLUDING MILITARY, WHICH THE U.S. SELLS THE KUWAITIS CAN BE OBTAINED ELSEWHERE.

FURTHERMORE, KUWAITIS, IN ANY DISCUSSION OF HUMAN RIGHTS, WILL INVARIABLY DRAW ON THEIR VERY GOOD KNOWLEDGE OF U.S.

SOCIETY AND POINT TO OUR OWN MAJOR HUMAN RIGHTS PROBLEMS,

I.E., TREATMENT OF MINORITIES, PARTICULARLY AMERICAN INDIANS.

THE GOVERNMENT OF KUWAIT HAS ACTIVELY LOBBIED IN INTERNATIONAL DIPLOMATIC CIRCLES AGAINST WHAT IT CLAIMS TO BE VIOLATIONS OF HUMAN RIGHTS ON THE PART OF THE GOVERNMENT OF ISRAEL PARTICULARLY IN THE "OCCUPIED TERRITORIES." ANY AMERICAN RAISING THE QUESTION OF HUMAN RIGHTS WITH THE KUWAITIS CAN EXPECT A RECITATION OF ALLEGED HUMAN RIGHTS VIOLATIONS BY THE ISRAELI GOVERNMENT FOLLOWED BY A STRONG SUGGESTION THAT THE UNITED STATES USE ITS INFLUENCE WITH ISRAEL TO CORRECT THIS SITUATION.

THE U.S. SHOULD ALSO SET A GOAL OF GAINING A BETTER UNDERSTANDING OF THE LAW IN KUWAIT, THE RELATIONSHIP OF ISLAMIC LAWS AND TRADITIONS TO CIVIL LAWS, ARREST AND TRIAL PROCEDURES, THE COURT AND PRISON SYSTEMS. MORE INFORMATION ON THESE SUBJECTS WOULD INCREASE OUR KNOWLEDGE OF AREAS WHERE THE U.S. COULD PLAY A CONSTRUCTIVE ROLE.

PERHAPS THE BEST AND MOST SUCCESSFUL MECHANISM FOR THE U.S. TO USE AS A POSITIVE INFLUENCE ON HUMAN RIGHTS IS THE CLOSE CULTURAL AND EDUCATIONAL RELATIONSHIP WHICH EXISTS
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BETWEEN THE TWO COUNTRIES. ALMOST TWO THOUSAND KUWAITIS STUDY IN THE U.S. ANNUALLY AND MANY HUNDREDS VISIT THE U.S. REGULARLY ON BUSINESS OR FOR PLEASURE. KUWAITIS EAGERLY OBSERVE U.S. IDEAS AND TRENDS AND MANY YOUNG KUWAITIS NOW IN RESPONSIBLE POSITIONS IN THE GOVERNMENT ARE RAISING "QUALITY OF LIFE" ISSUES THAT THEY OBSERVED DURING THEIR STUDENT DAYS--CONSUMER PROTECTION, ANTI-POLLUTION, MEASURES, AND EQUAL OPPORTUNITY FOR WOMEN. U.S. SUPPORT FOR EDUCATION PROGRAMS AT KUWAIT UNIVERSITY, FOR THE BUDDING KUWAITI THEATER, ART AND CULTURAL GROUPS, FOR EXCHANGE SPEAKER PROGRAMS SHOULD HAVE A MOST POWERFUL INFLUENCE ON THE HUMAN RIGHTS ATTITUDES OF THE FUTURE KUWAITI LEADERSHIP.
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